

The Gazette of India

PUBLISHED BY AUTHORITY

 No. 94] NEW DELHI, SATURDAY, AUGUST 26, 1961/BHADRA 4, 1883

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 19th August, 1961 :—

Issue No.	No. and Date	Issued by	Subject
205.	S.O. 1928, dated 16th August, 1961.	Election Commission, India.	Amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 1956, as respects Punjab State.
206.	S.O. 1929, dated 16th August, 1961.	Ministry of Scientific Research and Cultural Affairs.	The International Copyright (Second Amendment) Order, 1961.
207.	S.O. 1978, dated 17th August, 1961.	Ministry of Information and Broadcasting.	Approval of films specified therein.
208.	S.O. 1979, dated 19th August, 1961.	Do.	Approval of films specified therein.
209.	S.O. 1980, dated 19th August, 1961.	Election Commission, India.	List of Contesting Candidates in the Election to the Council of States by the elected members of the Orissa Legislative Assembly.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 6th August 1961

S.O. 1985.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 incurred by the person whose name and address are given below, as notified under notification No. DL-P/394/61-Bye(1) dated the 25th May, 1961, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Parkash Baghi, 14/27, Double Storey, Lajpat Nagar, New Delhi-14.

[No. DL-P/394/61-Bye(1-R)/19049.]

By Order,

PRAKASH NARAIN, Secy.

New Delhi, the 19th August 1961

S.O. 1986.—In pursuance of sub-section (6) of Section 116A of the Representation of People Act, 1951 (43 of 1951), the Election Commission hereby publishes the decision of the High Court of Kerala at Ernakulam given on the 19th June, 1961, on an appeal from the order dated the 28th February, 1961 of the Election Tribunal, Trichur.

IN THE HIGH COURT OF KERALA, ERNAKULAM

Monday the 19th June 1961/29th Jyaishta 1883

PRESENT

The Honourable Mr. Justice M. S. Menon

AND

The Honourable Mr. Justice T. K. Joseph

Election Appeal No. 1 of 1961

AGAINST

Election Petition 14 of 1960 of the Election Tribunal, Trichur.

Appellant.—Petitioner.

K. Sadanandan, Advocate, Quilon, residing in Pallipuravidom, Vadakkumbhagom Ward, Quilon, Kerala State.

By Advocate Sri S. Easwara Iyer.

Respondents.—Respondents.

1. Kozhipurathu Madhava Menon, M.P., Mukthi, Kozhikode, Kerala State.
 2. Hajee Ebrahim Sulaiman Salt, B.A., M.P., Convent Road, Ernakulam.
 3. Joseph Mathen, M.P., Kurushingal, Arthunkal, P.O. Shertallay, Kerala State.
 4. Mundassery Joseph, East Fort, Trichur, Kerala State.
 5. P. Narayanan Nair, House No. 154, Panjal Panchayat, Ward No. 3, Killimangalam, Kerala State.
 6. Ephraim Muamby, M. G. Road, Ernakulam, Kerala State.
- By Advocates M/s. K. V. Suriyanarayana Iyer, and C. M. Devan, for 1st respondent.

This Election Appeal having been finally heard on 14th June 1961 the court on 19th June 1961 delivered the following:

JUDGMENT

This is an appeal under section 116A of the Representation of the People Act, 1951. The appeal is directed against the order of the Election Tribunal, Trichur, dated the 28th February, 1961, in Election Petition No. 14 of 1960.

2. The election was to fill three seats in the Council of States. There were seven candidates, the appellant (petitioner) and respondents 1 to 6. Of these, respondents 4, 5 and 6 did not secure any vote at all in the election. Respondents 1, 2 and 3 were declared elected.

3. The petition is directed against the election of the 1st respondent. The contention of the appellant is that he and not the 1st respondent should have been declared elected. There is no attack as far as the election of respondents 2 and 3 are concerned.

4. The entire controversy centres round two ballot papers, Exts. P-7 and P-8. The Returning Officer accepted Ext. P-7 as valid and rejected Ext. P-8 as invalid. According to the appellant the Returning Officer should have rejected Ext. P-7 as invalid and accepted Ext. P-8 as valid. The election Tribunal agreed with the Returning Officer and dismissed the petition.

5. Ext. P-8 which was rejected by the Returning Officer as invalid contains only the mark X. That mark appears against the name of the appellant, and his contention is that as no other mark appears on the ballot paper it should be considered as an effective vote in his favour.

6. Rule 116(i)(a) of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, provides that "a ballot paper shall be invalid on which the figure 1 is not marked", and as the figure 1 does not appear anywhere in Ext. P-8 the action of the Returning Officer in rejecting that ballot paper as invalid was certainly in order and has to be sustained.

7. Ext. P-7 contains the figure 1 against the name of the 2nd respondent the figure 2 against the name of the 3rd respondent and the figure 3 against the name of the 1st respondent. There are no markings against the names of either the appellant or respondents, 4, 5 and 6. If those figures were the only entries in the cages against the names of respondents 1, 2 and 3 there would have been no room for controversy.

8. After the figures 1, 2 and 3, however, the mark X also appears in the three cages. The question for determination is whether the conclusion of the Returning Officer and the Election Tribunal that the mark X after the figures 1, 2 and 3 does not invalidate Ext. P-7 is correct or not.

9. Rule 116(1)(c) of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, provides that "a ballot paper shall be invalid on which the figure 1 and some other figures are set opposite the name of the same candidate". The contention of the appellant is that the mark X appearing after the figures 1, 2 and 3 in Ext. P-7 represents the Roman numeral for ten. We find it impossible to accept this contention. As far as we can see the mark represents the St. Andrew's cross, that constant and familiar symbol of selection in democratic institutions.

10. It is also not possible to say that the "other figures" contemplated in rule 116(1)(c) will include anything other than the Indian numerals in the international form. That only such numerals are visualised by the rules will also be clear from rules 73 and 101. As a matter of fact the Roman numerals made with the letters of the alphabet have no place at all in view of Article 343 (1) of the Constitution which specifically provides that "the form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals".

11. Rule 116(1)(d) of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, provides that "a ballot paper shall be invalid on which any mark is made by which the elector may afterwards be identified". The third and final contention of the appellant is that the mark after the figures 1, 2 and 3 in Ext. P-7 is a mark of identification and that the ballot paper should be rejected on that ground.

12. It is settled law that a ballot paper is liable to be rejected in such cases only if the mark itself affords an indication of the voter or there is extrinsic evidence from which it can be inferred that it was placed in pursuance of a prior arrangement. This was settled as early as the leading case of *Woodward v. Sarsons and Sadler* (32 T.L.R. 36) in which a provision similar to rule 116(1) (d)—

"If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted"

..... came up for consideration. See also 4 E.L.R. 55, a decision of the Election Tribunal, Ludhiana.

13. In the language of Halsbury—3rd Edition, Vol. 14, Page 139—if "the court comes to the conclusion on looking at the paper that the real thing that the voter has been doing is to try, badly or mistakenly, to give his vote, and make it clear for whom he voted, then these marks should not be considered to be marks of identification unless there is positive evidence of some agreement to show that it was so". Our conclusion on an examination of Ext. P-7 is that the voter was apparently under the mistaken impression that it was not enough if he—or she—recorded his order of preference by engrossing the figure 1 against the name of the 2nd respondent, the figure 2 against the name of the 3rd respondent and the figure 3 against the name of the 1st respondent; but that he should also add after those figures the normal symbol of voting under the ordinary system of election. In other words, he was not as familiar as he should have been with the rules for voting under a scheme of proportional representation by the single transferable vote.

14. 12 E.L.R. 184, a decision of the Election Tribunal, Ahmedabad, has been of assistance to us. Many of the arguments advanced before us were also advanced before that Tribunal.

15. Our attention was drawn to the difference in the wording of rules 57(2)(a) and 116(1)(d). Under rule 57(2)(a) a ballot paper has to be rejected "if it bears any mark or writing by which the elector can be identified" and under rule 116(1)(d) a ballot paper has to be rejected if "any mark is made by which the elector may afterwards be identified". The emphasis was on the use of the word "can" in rule 57(2)(a) and of the word "may" in rule 116(1)(d). It is true that the word "can" may indicate that the mark must carry within itself a sufficient power or ability of identification whereas the word "may" may require only a possibility, a probability or a contingency of identification. In either case it is a question of fact to be determined on the evidence on record, and the further and final question for consideration is whether there is any positive evidence to show that the elector who put the mark X in Ext. P-7 did so in pursuance of a previous arrangement.

16. This aspect of the case is dealt with in paragraphs 20 to 26 of the order of the Election Tribunal. In paragraph 20 it dealt with the averments in the petition and came to the conclusion that the pleadings were "vague and indefinite". In paragraphs 21 to 26 it dealt with the evidence adduced, and said:

"I think the vague and indefinite evidence adduced by the petitioner cannot be acted upon to come to a conclusion that the cross marks in Ext. P-7 might have been put by any elector under any previous arrangement that he might be identified later on."

17. The evidence to which our attention has been drawn consists of the testimony of P.Ws. 1, 2 and 6 and R.Ws. 1 and 2, of these, P.W. 1 is the appellant himself. According to him there was a rift in the Praja Socialist Party of which he was a member. The party decided not to put up an official candidate and to support the candidate of the Muslim League. He, however, decided to stand for election against the party decision, and his proposer was C. G. Janardhanan, a member of the party. His evidence would indicate that the arrangement subsequently made by the party was that C. G. Janardhanan should do something by which his vote can be identified. He says:

"Even after the statement of C. G. Janardhanan in Ext. 12, I approached him for his support. Then he told me that unless he issued that statement he would be dismissed from the party and that the party leaders have no faith in him that he would vote for the official candidate and he was even asked to vote to their satisfaction. That is, in a manner convincing them that he voted for the official candidate."

18. According to P.W. 2, another member of the Praja Socialist Party, the arrangement was not confined to any particular member X but was general in character and intended to apply to all the members of the Assembly from the Praja Socialist Party. The following questions and answers will make the position clear;

****Q.** Besides this, was anything else demanded from the P.S.P. Leaders by Muslim League leaders?

Ans. Muslim League candidate should undoubtedly get votes; work for that; only this was demanded.

Q. Saying that without any doubt they should get P.S.P. votes, does it not mean according to the satisfaction of Muslim League Leaders?

Ans. What they meant and said was that they should be satisfied that all the P.S.P. votes were cast for the Muslim League candidate.**

These questions and answers are part of the witness' examination in chief.

19. When it comes to P.W. 6, a member of the Muslim League, the arrangement was neither confined to C. G. Janardhanan as spoken to by P.W. 1 or general as spoken to by P.W. 2 but directed against one Antony D'Cruz, a member of the Praja Socialist Party. He speaks of a talk with some of the important leaders of the Praja Socialist Party on the day before the election and continues as follows:

****They said so, when I talked with them the previous day. Janardhanan has given out a statement. Therefore the abovesaid person need not be suspected. Neither Chazhikkadan. But there is some suspicion as regards De Cruz. If it is so, the act of the two suspected persons amounts to treachery. Therefore, I said that the suspected person should vote with some sort of a mark. Then they told me that P. K. Kunju Hussein had also told P.S.P. Secretary, Sreedharan, as to what should be done.****

20. The evidence of P.Ws. 1, 2 and 6 would indicate that the best evidence on the existence of an agreement, if there was one, would have been that of the members of the "rebel" group of the Praja Socialist Party like C. G. Janardhanan, Joseph Chazhikkadan and Antony D'Cruz. None of them has been examined in this case.

21. R.W. 1 is a member of the Muslim League and the 2nd respondent. He categorically denied the existence of any such arrangement and said:

"I was the sponsored official candidate of the Muslim League. To my knowledge no member of my party or any member of the P.S.P. has entered into such arrangement. That allegation is completely false."

22. R.W. 2 is the President of the Kerala State Muslim League. He was equally definite and categorical as R.W. 1 regarding the non-existence of any prior arrangement. He was asked:

****Q.** Have you or your party ever harbour any suspicion about the P.S.P.—M.L.As and demanded that they should vote with some mark in the Rajya Sabha Elections?

His answer was:

Ans. We had no such suspicion. We have not demanded that they should vote with a mark.**

23. The Election Tribunal has chosen to accept the denials of R.Ws. 1 and 2 and has refused to find any prior arrangement on the basis of the evidence of P.Ws. 1, 2 and 6. We have been taken through the entire testimony of these five witnesses and we are not prepared to say that the conclusion reached by the Election Tribunal should be reversed or modified.

****Original in Malayalam translated in the Office of the Election Commission.**

24. No other point which has any material bearing on the result of the election or this appeal was urged or arises for consideration. And in the light of what is stated above the appeal must fail and has to be dismissed. We do so. The appellant will pay the costs of the 1st respondent, advocate's fee Rs. 250/-.

(Sd.) M. S. MENON, Judge.

(Sd.) T. K. JOSEPH, Judge.

The 19th June, 1960.

[No. 82/14/60.]

By Order,

K. S. RAJAGOPALAN, Under Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 14th August 1961

S.O. 1987.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises the Registrar in the Trade Commission of India, Sydney, to perform the duties of a Consular Agent with immediate effect.

[F. No. 6(1)-Cons/61.]

S.O. 1988.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises the Registrar in the Embassy of India, Tokyo, to perform the duties of a Consular Agent with immediate effect.

[F. No. 6(1)-Cons/61.]

S.O. 1989.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of External Affairs No. 137-Cons. I, dated the 10th April, 1952, namely:—

In the Table annexed to the said notification, existing items 3, 4 and 5 shall be renumbered as items 4, 5 and 6 respectively and the following shall be inserted as item 3, namely:—

“3. Every Trade Commissioner for India in any Commonwealth country
.....Consul”.

[No. 6(1)-Cons/61.]

P. H. DESAI, Under Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 14th August, 1961

S.O. 1990—Statement of the Affairs of the Reserve Bank of India, as on the 14th August 1961

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	16,88,44,000
Reserve Fund	80,00,00,000	Rupee Coin	2,62,000
National Agricultural Credit (Long-term Operations) Fund	50,00,00,000	Subsidiary Coin	2,80,000
National Agricultural Credit (Stabilisation) Fund	6,00,00,000	Bills Purchased and Discounted :—	
Deposits:—		(a) Internal . . . . .	..
(a) Government		(b) External . . . . .	..
(1) Central Government	53,25,93,000	(c) Government Treasury Bills	9,72,06,000
(2) Other Governments	18,83,17,000	Balances held abroad*	35,80,60,000
(b) Banks	81,44,03,000	Loans and Advances to Government*	42,09,01,000
(c) Others	200,75,02,000	Other Loans and Advances†	115,53,21,000
Bills Payable	20,70,26,000	Investments	289,50,15,000
Other Liabilities	10,63,80,000	Other Assets	17,03,32,000
RUPEES	526,62,21,000	RUPEES	526,62,21,000

* Includes Cash & Short-term Securities.

*+ Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 75,50,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 9th day of August 1961.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 4th day of August 1961

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	16,88,44,000	..	A. Gold Coin and Bullion :—		
Notes in circulation	1903,97,75,000	..	(a) Held in India	117,76,03,000	
			(b) Held outside India . . . .	..
Total Notes issued . . . . .	..	1920,86,19,000	Foreign Securities	116,86,07,000	
			TOTAL OF A . . . .	..	234,62,10,000
			B. Rupee Coin . . . .	..	122,87,39,000
			Government of India Rupee Securities . . . .	..	1563,36,70,000
			Internal Bills of Exchange and other commercial paper . . . .	..	..
TOTAL LIABILITIES . . . . .	..	19,20,86,19,000	TOTAL ASSETS . . . . .	..	1920,86,19,000

H. Y. R. TENGAR, Governor.

Dated the 9th day of August 1961.

No. F.3(2)-BC/61.
A. BAKSI, Jt. Secy.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 11th day of August 1961

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	7,52,89,000		A. Gold Coin and Bullion :—		
Notes in circulation	1913,26,95,000		(a) Held in India	117,76,03,000	
Total Notes issued		1920,79,84,000	(b) Held outside India . . . . .	..
			Foreign Securities	116,86,07,000	
			TOTAL OF A		234,62,10,000
			B. Rupee Coin		122,75,94,000
			Government of India Rupee		
			Securities		1563,41,80,000
			Internal Bills of Exchange and		
			other commercial paper . . . . .		..
TOTAL LIABILITIES . . . . .	..	1920,79,84,000	TOTAL ASSETS		1920,79,84,000

B. VENKATAPPAH, Dy. Governor.

Dated the 16th day of August, 1961.

[No. F.3(2)-BC'61.]

A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

New Delhi, the 15th August 1961

S.O. 1992.—In exercise of the powers conferred by sub-section (2) of section 45 of the Banking Companies Act, 1949, the Central Government hereby extends the period of moratorium granted by it in respect of the Punjab Cooperative Bank Ltd., Amritsar, under the aforesaid sub-section up to and including the 17th September, 1961.

[No. F.4(85)-BC/61 (Part I).]

New Delhi, the 18th August 1961

S.O. 1993.—In exercise of the powers conferred by sub-section (2) of Section 45 of the Banking Companies Act, 1949, the Central Government hereby extends the period of moratorium granted by it in respect of the Merchants' Bank, Tanjore, under the aforesaid sub-section upto and including the 3rd September, 1961.

[No. F. 4(48)-BC/61.]

New Delhi, the 19th August 1961

S.O. 1994.—In pursuance of sub-section (7) of section 45 of the Banking Companies Act, 1949 (10 of 1949), the Central Government hereby specifies the 26th August, 1961 as the prescribed date in relation to the scheme for the amalgamation of the Poona Investors Bank Ltd. with the Sangli Bank Ltd., which was sanctioned by the Central Government and published as S.O. 1292 in Part II—Section 3, sub-section (ii) of the Gazette of India Extraordinary dated the 31st May 1961.

[No. F. 4(44)-BC/61(IV).]

S.O. 1995.—In exercise of the powers conferred by sub-section (2) of section 45 of the Banking Companies Act (10 of 1949) and in modification of this Department's Notification No. F. 4(44)-BC/61(IV) dated 20th June, 1961, the Central Government hereby directs that the order of moratorium made by it in respect of the Poona Investors Bank Ltd., Poona shall be in force upto and including the 25th August 1961.

[No. F. 4(44)-BC/61(IV)-I.]

New Delhi, the 21st August 1961

S.O. 1996.—In exercise of the powers conferred by sub-section (2) of section 45 of the Banking Companies Act, 1949, the Central Government, after considering an application made by the Reserve Bank of India under sub-section (1) of that section, hereby makes an order of moratorium in respect of the Bank and Stores Ltd., Purnea, for the period from the 22nd August, 1961, to the 21st November, 1961 (both days inclusive) and hereby stays the commencement or continuance of all actions and proceedings against that banking company during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Central Government of its powers under clause (b) of sub-section (4) of section 35 of the said Act, or the exercise by the Reserve Bank of India of its powers under section 38 of the said Act.

2. The Central Government hereby also directs that the Bank and Stores Ltd., Purnea, may, during the period of moratorium granted to it, make payments in discharge of its liabilities and obligations to the extent and in the manner provided hereunder:—

- (i) the amounts of any drafts or pay orders issued by the said bank and remaining unpaid on the date on which the order of moratorium comes into force;
- (ii) the amounts of the bills received for collection on or before the 21st August, 1961, and realised before, on or after that date;
- (iii) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by or against or decrees obtained by the said bank or for realising any amounts due to it, provided that if the expenditure in respect of each such suit or appeal or decree or

proceeding is in excess of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before it is incurred; and

- (iv) any expenditure on any other item in so far as it is in the opinion of the banking company necessary for carrying on the day-to-day administration of the banking company, provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium or if no expenditure has been incurred on account of that item in the past a sum of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the additional expenditure is incurred.

3. The Central Government hereby also directs that the Bank and Stores Ltd., Purnea, may during the period of the moratorium granted to it, make the following further payments, namely the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Bank and Stores Ltd., Purnea by the Reserve Bank of India or the State Bank of India or any of its subsidiaries or by any other bank and remaining unpaid on the date on which the order of moratorium comes into force.

4. The Central Government hereby further directs that during the period of moratorium, the Bank and Stores Ltd., Purnea shall be permitted to operate its accounts with the Reserve Bank of India or with any other bank for the purposes of making the payments aforesaid provided that nothing in this order shall be deemed to require the Reserve Bank of India or any other bank aforesaid to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Bank and Stores Ltd., Purnea.

5. The Central Government hereby further directs that the Bank and Stores Ltd., Purnea, may during the period of moratorium return any bills which have remained unrealised to the persons entitled to receive them on a request being made in this behalf by such persons, if the bank has no right or title to, or interest in, such bills.

6. The Central Government hereby also directs that the Bank and Stores Ltd., Purnea, may release or deliver goods or securities which may be pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft

- (i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the bank, unconditionally; and
- (ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions or the proportions which were maintained before the order of moratorium came into force, whichever may be higher.

[No. F. 4(151)-BC/61.]

R. K. SESHADRI, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 18th August 1961

S.O. 1997.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 1st August, 1961, (forenoon) Shri G. S. Srivastava, a Commissioner of Income-tax shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the following Income-tax Circles, Wards and Districts namely:—

Central Section I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, and Central Circles I-A, I-B, I-C, II-A, II-B, II-C, II-D, and II-E, at Bombay and Central Circles I, II and III at Ahmedabad.

Provided that he shall also perform his functions in respect of such persons or such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Srivastava shall be designated as the Commissioner of Income-tax (Central) Bombay with headquarters at Bombay.

Explanatory Note

NOTE.—The amendments have become necessary on account of a change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 56 (F. No. 55/1/61-IT).]

S.O. 1998.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments to its notification S.O. 660, No. 35-Income-tax dated the 22nd April, 1958, namely:—

In the Schedule annexed to the said notification under the sub-head "XV-West Bengal" after the existing entries against 'J' Range, Calcutta, the following entry shall be made:—

"4. District VII, Calcutta".

Explanatory Note

NOTE.—The amendments have become necessary on account of the creation of the new Income-tax Circle.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 57 (F. No. 50/16/60-IT).]

D. V. JUNNARKAR, Under Secy.

CENTRAL EXCISE COLLECTORATE, POONA

Poona, the 9th July, 1961

S.O. 1999.—In pursuance of Rule 5 of the Central Excise Rules 1944, I empower the Superintendents and Assistant Collectors of Central Excise to exercise within their respective jurisdiction the powers of "Collector" conferred upon me under the provisos (a) and (b) of Rule 145 of the Central Excise Rules, 1944 to the extent indicated below:—

S. No.	Rank of Officer	Rule	Remarks
1	2	3	4
1.	Superintendents of Central Excise.	145 (a)	Superintendents may permit warehoused goods to remain in any Warehouse for a further period not exceeding one year in extension of the period of three years referred to in Rule, 145.
2.	Assistant Collrs. Central Excise.	145 (b)	Assistant Collectors may permit warehoused goods to remain in such warehouse for a further period not exceeding one year in addition to the extension granted under clause (a) of proviso to Rule, 145.

[No. CER/9/61.]

B. D. DESHMUKH, Collector.

COLLECTORATE OF CUSTOMS AND CENTRAL EXCISE, COCHIN**CENTRAL EXCISE***Cochin, the 9th August, 1961*

S.O. 2000.—In exercise of the powers conferred by Rule 5 of the Central Excise Rules, 1944, I hereby order that the following further amendments shall be made in this Collectorate's Notification No. 1/TX dated 1st May, 1960, as amended by the Notification, dated 16th June, 1960, 4th August, 1960, 20th October, 1960, 6th January, 1961, 9th April, 1961, and 23rd June, 1961.

(1) The entries in col. 4 of the table appended to the said Notification against Sl. No. 1.11 thereof shall be deleted and the following shall be substituted:—

"To grant extension of warehousing, for a further period not exceeding one year, in addition to the extension granted under clause (a) of the first proviso to Rule 145".

(2) The following entries shall be inserted namely:—

S. No. 1	Rank of Officer 2	C.E Rules 3	Restrictions and Limitations 4
<i>After S. No. 2-12</i>			
2-13	Superintendent	145	To grant extension of warehousing, for a period not exceeding one year, as per clause (a) of the first proviso to Rule 145.

[C. No. IV/16/208/61 CX. Pol.]

A. K. BANDYOPADHYAY, Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE AND LAND CUSTOMS, BOMBAY**NOTICES***Bombay, the 18th August 1961*

S.O. 2001.—Whereas it appears that the marginally noted goods which were seized on the 29th May 1961 by the S.R.P. Staff at Majali in the jurisdiction of Chirekhani Range on the Indo-Goa border were about to be exported to Goa (Portuguese Territory in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the

- | | |
|--|---|
| 1. Cinema film rolls of picture Nav
Do Gyarah—4 Rolls.
2. Gunny bag (old). | Government of India, Ministry of Commerce and Industries Export Control Order No. 1/58, dated the 1st May 1958 issued under the Imports & Exports (Control) Act, 1947 and deemed to have been issued under Section 19 of the Sea Customs Act, 1878. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Collector of Central Excise and Land Customs, Bombay why the above mentioned goods should not be confiscated under Section 167(8) of the Sea Customs Act, 1878 along with the gunny bag under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878. |
|--|---|

Government of India, Ministry of Commerce and Industries Export Control Order No. 1/58, dated the 1st May 1958 issued under the Imports & Exports (Control) Act, 1947 and deemed to have been issued under Section 19 of the Sea Customs Act, 1878. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Collector of Central Excise and Land Customs, Bombay why the above mentioned goods should not be confiscated under Section 167(8) of the Sea Customs Act, 1878 along with the gunny bag under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Gazette of India the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10(31)Cus/61.]

S.O. 2002.—Whereas it appears that the marginally noted goods which were seized on the 10th May 1961 by the Central Excise and Customs Staff at Shri-wardhan from a cattle shed near about Kalirju and Korwada villages were imported from Goa (Portuguese Territory in India) in contravention of the Government of India, Ministry of

	Mds.	Srs.	Ch.
1. Cinnamon	12	39	13
2. Cloves	2	21	6

Commerce and Industries Import Control Order No. 17/55. dated the 7th December, 1955 issued under the Imports & Exports (Control) Act, 1947 and deemed to have been issued under Section 19 of the Sea Customs Act, 1878. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Collector of Central Excise and Land Customs, Bombay why the above mentioned goods should not be confiscated under Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under this Section.

If such an owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Gazette of India the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b) 10 (30) Cus/61.]

G. KORUTHU, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 16th August, 1961

S.O. 2003.—The Government of Bihar having nominated Shri C. B. Prasad, Additional Director of Industries, Patna, to be a member of the Central Silk Board under clause (g) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), in place of Additional Director of Industries, Government of Bihar, Patna, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce and Industry No. S.O. 799, dated the 7th April, 1961, namely:—

In the said notification, for the entry against serial number 13 the following entry shall be substituted, namely:—

“13. Shri C. B. Prasad, Additional Director of Industries, Government of Bihar, Patna”.

[No. F. 22/1/61. HS(2).]

S.O. 2004.—The Government of Uttar Pradesh having nominated the Director of Industries, Kanpur to be a member of the Central Silk Board under clause (g) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), in place of Shri M. S. Das, I.A.S., Director of Industries, Government of Uttar Pradesh, Kanpur, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce and Industry Nos. S. O. 799, dated the 7th April, 1961, namely:—

In the said notification, for the entry against serial number 14 the following entry shall be substituted, namely:—

“14. The Director of Industries, Government of Uttar Pradesh, Kanpur”.

[No. F. 22/1/61. HS(2).]

R. KALYANASUNDARAM, Under Secy.

ORDER

New Delhi, the 21st August 1961

S.O. 2005/IDRA/6/14.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1961 (65 of 1951), the Central Government hereby appoints the following persons to be members of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1918, dated the 27th July, 1960, for the

scheduled industries engaged in the manufacture or production of Food Processing Industries, till the 26th July, 1962, and directs that the following amendments shall be made in the said Order, namely:—

- (a) In paragraph 1 of the said Order after entry No. 10E, relating to Shri S. Feroze, the following entry shall be inserted, namely:—

“10F. Shri P. G. Verghese, M/s. Southern India Cashew Co., Kundara, Quilon (Kerala State). Owners.

- (b) In paragraph 1 of the said Order after entry No. 14B relating to Shrimati Raksha Saran, the following entry shall be inserted, namely:—

“14C. Prof. Radha Kumud Mookerji, 39, Ekdalla Road, Calcutta-19. Consumers.

[No. 1(2)IA(IV)/60.]

J. S. BAKHSI, Under Secy.

(Office of the Joint Chief Controller of Imports and Exports)

ORDERS

Madras-1, the 3rd July, 1961.

S.O. 2006.—On reconsideration of the case, it has been decided to withdraw this office order, dated 3rd August, 1960, cancelling licence No. A 836640/60/Au/M, dated 2nd February, 1960, valued at Rs. 75,000 (Rupees Seventy five thousand only) for the import of Cellulose Nitrate Sheets issued to M/s. Sinha Govindji, 18, Bangalore Road, Bellary.

[No. SSI. I/315/101(d)/V/2-59.]

S.O. 2007.—On reconsideration of the case, it has been decided to withdraw this office order, dated 3rd August, 1960, cancelling licence No. A 863296/60/Au/M, dated 18th January, 1960, valued at Rs. 75,000 (Rupees Seventy five thousand only) for the import of Cellulose Nitrate Sheets issued to M/s. Sinha Govindji, 18, Bangalore Road, Bellary.

[No. SSI(1)/315/101(d)/V/2-59.]

J. K. SARKAR,

Dy. Chief Controller of Imports and Exports,
For Jt. Chief Controller of Imports and Exports.

(Department of Company Law Administration)

New Delhi, the 16th August 1961

S.O. 2008.—On his retirement from the service of the Government of Madras, Shri A. Arunachalam relinquished charge of the post of Official Liquidator, High Court, Madras with effect from the forenoon of 15th July, 1961.

[No. PFG(117)-CLA/60.]

S.O. 2009.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 448 of the Companies Act, 1956 (I of 1956), the Central Government have re-employed Shri A. Arunachalam, retired Deputy Official Assignee, Madras and have appointed him as Official Liquidator, High Court, Madras for a period of 3 months with effect from 15th July, 1961.

[No. PFG(117)-CLA/60.]

P. B. SAHARYA, Under Secy.

(Indian Standards Institution)

New Delhi, the 17th August 1961

S.O. 2010.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the Amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	IS: 40—1950 Specification for Carbon Black for Paints.	S.R.O. 658 dated 26-3-55 d	No. 1 August 1961	In Clause 3.1, line 3, '1 lb (or 450 g)' has been deleted and substituted by '500 g'	1st September 1961
2	IS: 42—1950 Specification for Vegetable Black for Paints.	Do.	Do.	Do.	Do.
3	IS: 43—1950 Specification for Lamp Black for Paints.	Do.	Do.	Do.	Do.
4	IS: 48—1950 Specification for Natural Sienna (Raw and Burnt) for Paints.	Do.	Do.	Do.	Do.
5	IS: 49—1950 Specification for Natural Umber (Raw and Burnt) for Paints	Do.	Do.	Do.	Do.
6	IS: 50—1950 Specification for Lead Chrome and Lead Molybdate for Paints	Do.	Do.	Do.	Do.
7	IS: 55—1950 Specification for Ultramarine Blue for Paints.	Do.	Do.	Do.	Do.
8	IS: 59—1950 Specification for Pigment Dye-Stuff for Paints	Do.	Do.	Do.	Do.
9	IS: 60—1950 Specification for Lake Pigments for Paints	Do.	Do.	Do.	Do.
10	IS: 61—1950 Specification for Slate Powder for Paints	Do.	Do.	Do.	Do.
11	IS: 62—1950 Specification for Graphite for Paints	Do.	Do.	Do.	Do.
12	IS: 395—1959 Specification for Lead-Acid Storage Batteries (Light Duty) for Motor Vehicles (<i>Revised</i>)	S.O. 2374 dated 1-10-60	No. 2 May 1961	(i) The second sentence in Clause 0.7, para 1 has been deleted. (ii) The existing clause 0.10 has been deleted and substituted by a new clause.	With immediate effect.

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

(iii) The existing Figure 1 has been deleted and substituted by a new Figure.

(iv) The existing clause 3.2 and sub-clause 3.2.1 have been deleted and substituted by new clauses.

(v) The last sentence in clause 3.5, lines 7 and 8, has been deleted.

(vi) The existing clause 3.7 has been deleted and substituted by a new clause.

(vii) In sub-sub-clause 6.1.2.1, Note, the following has been added at the end of the Note : 'before first filling and initial charging'.

(viii) In sub-sub-clause 6.1.2.2, line 3, the word 'minimum' has been deleted.

(ix) The existing sub-sub-clause 6.6.1 has been deleted and substituted by a new sub-sub-clause.

(x) The existing sub-clause 6.10.1 has been deleted and substituted by a new sub-clause.

(xi) The existing sub-clause 6.11.1 has been deleted and substituted by a new sub-clause.

(xii) A new sub-clause 6.13.1 has been added and the existing sub-clauses 6.13.1 & 6.13.2 have been re-numbered as 6.13.2 & 6.13.3 respectively.

(xiii) Please read the clause 6.14 as follows :

'6.14 Life Test—
The test shall be carried out on

(1)	(2)	(3)	(4)	(5)	(6)
					batteries which have successfully complied with the requirements of 20-hour capacity (see 7.1) and high discharge test (see 7.2) when tested in accordance with 6.7 and 6.8 respectively.
					(xiv) The existing opening sentence in Clause 8.1 has been deleted and substituted by the following : '8.1 The following information shall appear on the battery'.

Copies of these Amendment Slips are available, free of cost, with the Indian Standards Institution, "Manak Bhavan", 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232, Dr. Dadabhai Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11, Sooterkin Street, Calcutta-13, and (iii) 2/21, First Line Beach, Madras-1.

[No. MD/13.5.]

S.O. 2011.—In pursuance of sub-regulations (2) and (3) of regulations 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 1st August to 15th August 1961.

THE SCHEDULE

Sl. No. and Title of the Indian Standard established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars	
(1)	(2)	(3)	(4)
1 IS: 304—1961 Specification for High Tensile Brass Ingots and Castings (<i>Revised</i>)	IS: 304—1952 Specification for High Tensile Brass Ingots and Castings.	This standard covers the requirements for three grades of high tensile brass Ingots for remelting purposes and castings, designated as Grade 1, Grade 2 and Grade 3. (Price Rs. 2.50)	
2 IS: 953—1960 Specification for Small Foam Crash Tender		This standard lays down requirements regarding material, design and construction, workmanship and finish, accessories and other equipment, and acceptance tests of small foam crash tender (Price Rs. 3.00)	

(1)	(2)	(3)	(4)
3	IS: 1449—1961 Methods of Sampling Manganese Ore	..	This standard lays down the procedure to be followed in collecting and preparing samples from a lot in order to determine ore size, moisture content and chemical composition of the manganese ore in the lot. Sampling of manganese ore from stock pile, from loaded rail wagons, from ship's holds, and from conveyer belts have been considered separately (Price Rs. 3.00).
4	IS: 1481—1961 Specification for Metric Steel Scales for Engineers.	..	This standard covers the requirements for metric scales made of steel for the use of engineers (Price Rs. 2.50).
5	IS: 1529—1961 Specification for Blast Furnace Refractories for Steel Plants.	..	This standard covers the requirements for blast furnace refractories for steel plants (Price Rs. 1.50).
6	IS: 1755—1961 Method for Wrapping Test of Wire.	..	This standard prescribes the method of conducting wrapping test of wire (Price Rs. 1.00).
7	IS: 1768—1961 Specification for Tricalcium Phosphate for Dentifrice.	..	This standard prescribes the requirements and the methods of test for tricalcium phosphate for dentifrice (Price Rs. 3.00).
8	IS: 1772—1961 Specification for Copper Plating.	..	This standard covers the requirements and tests for electro-deposited coatings of copper on steel and alloy steels for protection against corrosion, for providing good surface conductivity on ferrous and non-ferrous surfaces, and for masking in heat treatment processes, such as selective carburization of steel (Price Rs. 2.50).
9	IS: 1781—1961 Specification for Urea, Technical and Pure	..	This standard prescribes the requirements and the methods of test for urea, technical and pure (Price Rs. 3.50).
10	IS: 1783—1961 Specification for Drums, Large, Fixed Ends,	..	This standard covers requirements for light duty mild steel 200-litre drum, large, with plain and dished fixed ends (Price Rs. 1.50).
11	IS: 1790—1961 Method for Brinell Hardness Test for Light Metals and their Alloys	..	This standard prescribes the method of conducting Brinell hardness test on light metals and their alloys (Price Rs. 1.50).

(1)	(2)	(3)	(4)
12	IS: 1795—1961 Specification for Pillar Taps.	..	This standard lays down the nominal sizes and requirements regarding material, manufacture and workmanship, construction, finish and testing of pillar taps (Price Rs. 2.50).
13	IS: 1803—1961 Specification for Cotton Embroidery Thread, Bleached or Dyed.	..	This standard prescribes constructional details and other particulars of seven varieties of cotton embroidery thread, bleached or dyed (Price Rs. 2.00).
14	IS: 1804—1961 Specification for Fibre Cores for Steel Wire Ropes.	..	This standard specifies the construction, sizes and quality of fibre cores from 3 to 100 mm (or 1/8 to 4 in.) circumference for use in the manufacture of steel wire ropes (Price Rs. 2.00).
15	IS: 1812—1961 Specification for Mild Steel Wire for Manufacture of Wood Screws.	..	This standard covers the requirements for cold drawn mild steel wire up to 12.5 mm diameter suitable for the manufacture of wood screws by the cold heading process (Price Rs. 1.50).

Copies of these Indian Standards are available for sale, with the Indian Standards Institution, 'Manak Bhavan', 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232, Dr. Dadabhai Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11, Sooterkin Street, Calcutta-13, and (iii) 2/21, First Line Beach, Madras-1.

[No. MD/13:2.]

S.O. 2012.—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

Sl. No.	No. and Title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
1.	IS: 1140—1959 Specification for Logs for Matches.	S.O. 2110 dated 26-9-59	At page 7, clause 8.1, line 3, please read 'prophylactic' for 'preservative'.
2.	IS: 1614—1960 Specification for Oil of Vetiver Roots (Cultivated).	S.O. 3059 dated 24-12-60	At page 3, Table I, Sl. No. (iv), under col. 3, please read '+10° to +25°' for '+10° to +25°'.

(1)	(2)	(3)	(4)
IS: 1680—1960 Code of Practice for Treatment of Water for Land Boilers.	S.O. 814 dated 15-4-61	(i) At page 33, sub-sub-clause E-1.2.3.1, lines 2 and 3, please read '0.02 (0.2)' for '0.002(0.02) [Total hardness] (as CaCO ₃ ppm)']	(ii) At page 33, sub-sub-clause E-1.2.3.2, lines 2 and 3, please read '0.03 (0.3)' for '0.003(0.03) [Total hardness (as CaCO ₃ ppm)]'

Copies of these Errata Slips are available, free of cost, with the Indian Standards Institution, "Manak Bhavan", 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232, Dr. Dadabhoy Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11, Sooterkin Street, Calcutta-13, and (iii) 2/21, First Line Beach, Madras-1.

[No. MD/13:6.]

C. N. MODAWAL,
Deputy Director (Marks).

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

CORRIGENDUM

New Delhi, the 14th August, 1961

S.O. 2013.—In the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 1380, dated the 7th June 1961, published on pages 1280 to 1282 of the Gazette of India Part II Section 3(ii) dated June 17, 1961,

- (1) for the preamble read "In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules, the same having been previously published as required by the said section".
- (2) In Schedule I, in the Design, for "भारत की उत्पत्ति" read "भारतीय उत्पाद"
- (3) for Schedule II, read "Schedule II †"
- (4) In Schedule II †, in the Table,
 - (a) in Column 1, for "X" read "X*".
 - (b) in Column 5, against item (b), for "morahed" read "morahed†".
- (5) For Schedule III, read "Schedule III †".

[No. F. 14-71/60-AM.]

V. S. NIGAM, Under Secy.

MINISTRY OF COMMUNITY DEVELOPMENT & COOPERATION

(Department of Cooperation)

CORRIGENDUM

New Delhi, the 14th August, 1961

S.O. 2014.—In this Ministry's Notification of even number dated the 28th June, 1961, published at pages 1555 to 1556 of the Gazette of India, Part II, Section

3, Sub-Section (ii) dated the 8th July, 1961, Asadha 17, 1883, against item 11 for "Shri V. R. Desai" read "Shri V. R. Mehta".

[No. 3-40/60-CT.]

S. S. PURI, Dy. Secy.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 19th July 1961

S.O. 2015.—In exercise of the powers conferred on me by Sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954), I have delegated to Shri Gulab L. Ajwani, Assistant Settlement Commissioner, with effect from the 1st July, 1961, the following powers of the Chief Settlement Commissioner:—

Special power of Revision under Section 5 of the said Act in respect of cases decided by Claims Officers/Addl. Claims Commissioners and Settlement Officers.

[No. 11(45)/CSC/AI-61.]

S. W. SHIVESHWARKAR,
Chief Settlement Commissioner.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 16th August 1961

S.O. 2016.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

PRESENT:

Shri E. Krishna Murti, Central Government Industrial Tribunal, Delhi.

2nd August, 1961.

I.D. No. 164 of 1961

BETWEEN

The employers in relation to the Punjab National Bank Limited.

AND

Their workmen.

Shri J. C. Jetly—for the management.

Shri C. L. Bhardwaj—for the workmen.

AWARD

By G.O. No. 51(19)/61-LRIV, dated the 12th May, 1961, the industrial dispute, between the employers in relation to the Punjab National Bank Limited, and their workmen, has been referred to this Tribunal for adjudication under Section 10(1)(d) and 12(5) of the Industrial Disputes Act, 1947.

2. The term of reference is as follows:—

"Whether the services of Shri Lakhiram Tyagi while employed at Jodhpur Branch of the Punjab National Bank Ltd., from 1st April 1954 to February, 1959 were utilized as that of a Stenographer and if so, to what relief he is entitled."

3. The allegations in the statement of claim are, that Shri Lakhiram Tyagi, the workman in question, was appointed as a Clerk-cum-Typist on 20th October 1946,

that he was transferred to Jodhpur by letter dated 15th September 1958, that, as he knew shorthand, his services were utilised as a Stenographer, that, as a Stenographer he is entitled to a special allowance of Rs. 20/- per month, that he requested payment of the same with effect from 1st April 1954 to February, 1959, that, when this demand was made, the Bank arbitrarily stopped taking steno's duty, and that the Bank may be directed to pay Stenographer's allowance with effect from 1st April 1954 to February, 1959, and to maintain the *status quo* as in February, 1959.

4. The contention on behalf of the Bank is, that Shri Tyagi was appointed as a Clerk-cum-Typist, that it is not true, that he was utilised as a Stenographer at Jodhpur Branch Office, that in all his representations to the Bank, he was describing himself as a clerk-cum-Typist, that it is denied, that Shri Tyagi was working as a Stenographer, that accordingly he is not entitled to the special allowance prescribed, that there was no post of a Stenographer sanctioned for the Branch, that there is no question of maintenance of *status quo* as a Stenographer, and that the workman is not entitled to any relief.

5. Both parties agreed, that the issue is as in the term of reference.

6. This is a dispute between the employers in relation to the Punjab National Bank Limited., and their workmen.

7. When this matter came on for hearing, both parties reported a settlement in terms of Ext. W/1. Ext. W/2 is the letter of the workman, accompanying settlement, wherein he agreed to the settlement, effected by Shri Bhardwaj, the President and General Secretary of the All India Punjab National Bank Employees' Association, Delhi. This compromise is admitted before me and it is accepted. A copy of this compromise is annexed to this award as Annexure "A".

8. In the result, an award is passed in terms of the compromise, Ext. W/1, a copy of which is annexed to this award as Annexure "A".

(Two Pages)

The 2nd August, 1961.

Sd./- E. KRISHNA MURTI,

Central Govt. Industrial Tribunal, Delhi.

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

I.D. No. 164 of 1961

Punjab National Bank Ltd., H/O, New Delhi.

Versus

Its workman, Shri Lakhi Ram Tyagi, Steno, Punjab National Bank Ltd., Jodhpur.

With reference to the above it is submitted that the parties mentioned above have mutually settled the said dispute and the terms of settlement are as under:—

1. That Shri Lakhi Ram Tyagi, Clerk, Punjab National Bank Ltd., Jodhpur will be paid for his entire claim of Special Allowance for having worked as Steno from 1st April 1954 to February 1959, a total sum of Rs. 850/- (Rupees Eight hundred and fifty only) in full and final settlement.
2. That Shri Lakhi Ram Tyagi will be paid his dues as per clause 1 above within fifteen days from the date of agreement.

3. That this Hon'ble Court may be pleased to make an Award in terms of the above settlement.

On behalf of the management
of the Punjab National Bank Ltd.

On behalf of the workman, Shri
LAKHI RAM TYAGI, Clerk,
Punjab National Bank Ltd.,
Jodhpur.

Sd/- Illegible
For Pb. National Bank Ltd.

Sd/- CHAMAN LAL BHARDWAJ,
President/General Secy.

August 1, 1961.

1. The All-India Bank Employees
Federation, Kanpur, and

2. The All-India Punjab National
Bank Employees Association,
4778, Ballimaran, Chandni
Chowk, Delhi.

(Sd./- E. KRISHNA MURTI,
[No. 51(19)/61-LRIV.]

ORDERS

New Delhi, the 22nd August. 1961

S.O. 2017.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, there are, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether by virtue of the duties performed by them, Sarvashri B. P. Mehta, Shyam Sunder Prasad, Hari Narayan, K. P. Singh, Cashiers in the Bank, are entitled to the special allowance as prescribed for Assistant Cashiers in the award of the All India Industrial Tribunal (Bank Disputes) as modified by section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955, and, if so, from what date after the 17th November, 1960?

[No. 51(29)/61-LRIV.]

S.O. 2018.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whether Shri Sanu, a sweeper in the Ajmer Branch of the Bank is entitled to the emoluments prescribed in paragraph 123 of the award of the All India Industrial Tribunal (Bank Disputes) as modified by the decision of the Labour Appellate Tribunal in the manner referred to in section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955), and, if so, from which date after the 23rd October, 1960?

[No. 51(13)/61-LRIV.]

G. JAGANNATHAN, Under Secy

New Delhi, the 17th August 1961

S.O. 2019.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from S/Shri Matuki Mandal, Miner and S. Ghanshyam Mian, Miner of 6 and 7 Pits Colliery.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

APPLICATION No. 90 of 1960.

Re: Complaint under Sec. 33A of I.D. Act.

Shri Matuki Mandal, Miner, 6 & 7 Pits Colliery and S. Ghanshyam Mian, Miner, 6 & 7 Pits Colliery. C/o. Tata Collieries Workers Union, P.O. Jealgora.—Complainants.

C.M.E. TISCO Ltd., Digwadih, P. O. Jealgora.

PRESENT:

Shri Salim M. Merchant, B.A.,LL.B., Presiding Officer.

Dated (Camp Bombay) 29th July, 1961.

APPEARANCES: Shri P. Chanda, President, Tata Collieries Workers Union, *for the complainants.*

Shri S. S. Mukherjee, Advocate, with Shri S. N. Singh, Welfare Officer, *for the opposite party.*

STATE: Bihar.

INDUSTRY: Coal.

AWARD

This is a complaint, purporting to be under Section 33A of the Act by two employees of the opposite party's 6 & 7 pits collieries, who claim that they were workmen concerned in the industrial dispute, Reference No. 34 of 1960. The complaint is directed against their dismissal from service during the pendency before this Tribunal of the said Reference No. 34 of 1960.

2. The case of the complainants is that there has been a breach of Section 33(2)(b) by the management inasmuch as they had failed to secure approval of this Tribunal for their action in dismissing the complainants from service. On the merits their grievance is that they were wrongly and unjustifiably dismissed from service. The management's case on the other hand is that both these complainants had been guilty of the misconduct under clause 19(5) of the certified standing orders of the company and with the violation of Section 38(1)(b) of the Mines Regulations, in as much as on 14th June, 1960, at about 9 A.M. they had brought a group of miners to the Manager's office who shouted slogans and prevented and obstructed the Deputy Chief Mining Engineer, Mr. George, The Agent of the Colliery, Shri B. S. Rao, and the Manager of the Colliery, from coming out from the office of the Manager that after a charge sheet had been served on the complainants and their explanation called for a departmental enquiry was held at which the officers named above as also the Chief Personnel Officer of the company gave evidence testifying to the misconduct with which they were charged. The charge sheeted workmen were allowed to cross-examine the management's witnesses and were worked to examine their own witnesses. After a proper and fair enquiry, the enquiry officer held them guilty of the misconduct with which they were charged, and considering the seriousness of the misconduct the management passed the aforesaid order dismissing them from service. Of these two complainants Matuki Mandal had been in service from 1st July, 1950, and this was his first and only misconduct and Ganshyam Mian has been in service from 28th October, 1957, but has not had a clean record of service.

At the adjourned hearing of the dispute before me at Dhanbad on 19th July, 1961, the parties filed a compromise petition under the terms of which the orders of dismissal against both the complainants are to stand. The management has, however, in view of the past services of their workmen agreed to make an *ex-gratia* payment to Matuki Mandal, of five months wages and to Ganshyam Mian of 1½ months wages. They will also be paid one month's wages as notice pay, if not already paid by the management. In the facts and circumstances of the case

the terms of settlement, a copy of which is attached herewith and marked Annexure A, appear to be fair and reasonable and I make an award in terms thereof.

I cannot part with this dispute without observing that the misconduct such as the one with which the complainants were charged, viz., of obstructing officers of the company and preventing them from leaving their office unless certain grievances of the workmen are immediately redressed, must be taken serious notice of by Tribunals not only in the interest of discipline and safety of the lives of officers of collieries, but also in the interest of industrial peace.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

ANNEXURE 'A'.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

Application No. 90 of 1960.—arising out of Reference No. 34 of 1960.

(under Section 33A, of the Industrial Disputes Act).

PARTIES:

1. Shri Matuki Mandal, Miner 6 and 7 Pits Colliery.

AND

2. Shri Ghanashyam Mian, Miner. 6 and 7 Pits Colliery. c/o. General Secretary, Tata Collieries Workers' Union, Digwadih, P.O. Jealgora, Dt. Dhanbad.—*Complainants.*

Vs.

Chief Mining Engineer,
Messrs. Tata Iron and Steel Co., Ltd.
Jamadoba, P.O. Jealgora, Dt. Dhanbad.—*Opposite party.*

The parties above named submit as follows:—

(1) That without prejudice to the contentions of the parties the above matter has been settled on the following terms:—

- (a) That Shri Matuki Mandal, Miner, was in service from 1st July, 1950, to 14th June, 1960, and Shri Ghanashyam Mian from 28th October, 1957 to 14th June, 1960, on which date the services of both the above workmen were terminated.
- (b) That in view of the above 10 years service and 3 years service respectively by the above named workmen Shri Matuki Mandal will be paid 5 (five) months wages and Shri. Ghanashyam Mian 1½ (one and half) months wages. The workmen will also be paid 1 (one) month's wages as notice pay if not already paid by the management.
- (c) That the above wages will be calculated according to the awarded rate of the category to which they belonged, namely, that of a miner.
- (d) That the amount will be paid within one week from the date of this settlement.
- (e) That the workmen concerned namely, Shri Matuki Mandal and Shri Ghanashyam Mian will not be re-instated and their claim on this account shall stand dismissed.
- (f) That the parties will bear their own respective costs.

It is therefore prayed that the complaint may be disposed of and an award be passed on the terms aforesaid.

And for this your petitioners as in duty bound shall ever pray.

Dhanbad,*

19th July, 1961.

For the complainants:

For the Employers (Opposite party).

PRITISH CHANBA,

President,

Tata Collieries Workers' Union.

Sd./- S. S. MUKHERJEA, Advocate.

Sd./- MATURI MANDAL.

Sd./- S. N. SINGH, Welfare Officer.

Taken on file.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

[No. 2/110/50-LRII.]

A. L. HANDA, Under Secy.

New Delhi, the 17th August, 1961.

S.O. 2020.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952, (19 of 1952), the Central Government hereby appoints Shri Kalidin Pal to be an Inspector for the whole of the State of Madhya Pradesh for the purposes of the said Act, and of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(1)/61-PF. I.]

S.O. 2021.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952, (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S. O. 1287, dated the 30th May, 1961, the Central Government hereby appoints Shri D. K. Badheka to be an Inspector for the whole of the State of Gujarat for the purposes of the said Act and of any scheme framed thereunder in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field, or a controlled industry *vice* Shri A. V. Vyas.

[No. 17(7)/61-PF. I.]

S.O. 2022.—In pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1288, dated the 30th May, 1961, the Central Government hereby appoints Shri D. K. Badheka as Regional Provident Fund Commissioner for the whole of the State of Gujarat *vice* Shri A. V. Vyas. Shri Badheka shall work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. 17(7)/61-PF. I.]

New Delhi, the 21st August 1961

S.O. 2023.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri I. H. Vyas to be an Inspector for the whole of

the State of Gujarat for the purposes of the said Act, and of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(11)61-PFI.]

P. D. GAIHA, Under Secy.

New Delhi, the 18th August 1961

S.O. 2024.—The Government of the State of Kerala having nominated, in exercise of the powers conferred by clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), Shri Sankara Narayanan, Additional Secretary to the Government of Kerala, Health and Labour Department, as a member representing the said State on the Employees' State Insurance Corporation, in place of Dr. T. Bhaskara Menon, the Central Government, in pursuance of the said section 4, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No.—I-1(196)/57, dated the 15th March, 1958, namely:—

In the said notification, under the heading 'Members' and sub-heading '[Nominated by the State Governments under clause (d) of section 4]', for item 17-A, the following item shall be substituted, namely:—

"17-A. Shri Sankara Narayanan, Additional Secretary to the Government of Kerala, Health and Labour Department, Trivandrum."

[No. F. 1(33)/61-HI.]

S.O. 2025.—In pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri L. S. Titus, Labour Commissioner, Delhi, as a member representing the Union territories on the Employees' State Insurance Corporation, in place of Shri L. I. Parija, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1(196)/57, dated the 15th March, 1958, namely:—

In the said notification, under the heading 'Members' and sub-heading '[Nominated by the Central Government under clause (e) of section 4 to represent Union territories]', for item 18, the following item shall be substituted, namely:—

"18. Shri L. S. Titus, Labour Commissioner, Delhi."

[No. F. 1(31)/61-HI.]

New Delhi, the 18th August, 1961

S.O. 2026.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th August, 1961, as the date on which the provisions of Chapter IV, (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and section 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of the State of Madhya Pradesh, namely:—

- I. The areas within the Municipal limits of Mandsaur.
- II. (a) The areas within the Municipal limits of Dewas and the following revenue villages:—
 - (i) Balgarh and
 - (ii) Shankargarh in Dewas Tehsil, Dewas District.
- (b) The revenue areas of Dewas Senior and Dewas in Dewas Tehsil, Dewas District.

[No. F. 13(6)/61-HI.]

S.O. 2027.—The Government of the State of Rajasthan having nominated, in exercise of the powers conferred by clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), Shri G. B. K. Hooja, Labour Secretary to

the Government of Rajasthan, as a member representing the said State on the Employees' State Insurance Corporation, in place of Shri Goverdhan Singh, the Central Government, in pursuance of the said section 4, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1(196)/57, dated the 15th March, 1958, namely:—

In the said notification, under the heading 'Members' and sub-heading '[Nominated by the State Governments under clause (d) of section 4]', for item 17, the following item shall be substituted, namely:—

"17. Shri G. B. K. Hooja, Secretary to the Government of Rajasthan, Labour Department, Jaipur."

[No. F. 1(35)/61-HI.]

BALWANT SINGH, Under Secy.

New Delhi, the 21st August, 1961

S.O. 2028.—In pursuance of sub-regulation (3) of regulation 25 of the Coal Mines Regulations, 1957, the Central Government, on the recommendation of the Court of Inquiry, appointed by the notification of the Government of India in the late Ministry of Labour No. S.R.O. 51 dated the 27th December, 1956, as amended by the Ministry of Labour and Employment Notifications No. S.O. 2590, dated the 2nd December, 1958, No. S.O. 979, dated the 28th April, 1959, and No. S.O. 1357, dated the 4th June, 1959, hereby suspends the Manager's First Class Certificate of Competency No. 422, dated the 8th December, 1950, held by Shri K. Dutt, c/o. Amlabad Colliery of M/s. Bhowra Kankanee Collieries Ltd., P.O. Bhowra, District Dhanbad, for a period of six months with effect from the date of publication of this notification.

[No. 2/7/61/MI.]

A. P. VEERA RAGHAVAN, Under Secy.